



GOV. MSG. NO. 1115

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 16, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

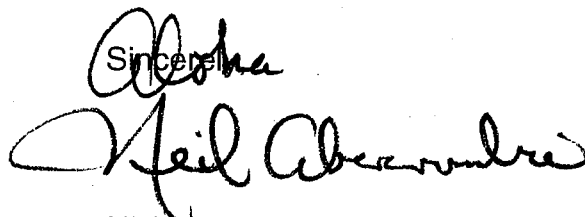
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 16, 2013, the following bill was signed into law:

HB925

RELATING TO THE EMPLOYMENT SECURITY -
APPEALS REFEREE'S OFFICE
ACT 015 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor
on APR 16 2013

ORIGINAL

ACT 015

H.B. NO. 925

A BILL FOR AN ACT

RELATING TO THE EMPLOYMENT SECURITY APPEALS REFEREE'S OFFICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 383-38, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§383-38 Appeals, filing, and hearing.** (a) The claimant or
4 any other party entitled to notice of a determination or
5 redetermination as herein provided may file an appeal from the
6 determination or redetermination at the office of the department
7 in the county in which the claimant resides or in the county in
8 which the claimant was last employed, or with a copy of the
9 contested determination at the employment security appeals
10 referee's office, within ten days after the date of mailing of
11 the notice to the claimant's or party's last known address, or
12 if the notice is not mailed, within ten days after the date of
13 delivery of the notice to the claimant or party. The department
14 may for good cause extend the period within which an appeal may
15 be filed to thirty days. Written notice of a hearing of an
16 appeal shall be sent by first class, nonregistered, noncertified
17 mail to the claimant's or party's last known address[+] at least
18 twelve days prior to the initial hearing date.

1 (b) The appeal under subsection (a) shall be heard in the
2 county in which the appeal is filed, except that the department
3 may by its rules provide for the holding of a hearing in another
4 county with the consent of all parties or where necessary in
5 order that a fair and impartial hearing may be had, and may
6 provide for the taking of depositions. Unless the appeal is
7 withdrawn with the permission of the referee, the referee after
8 affording the parties reasonable opportunity for a fair hearing
9 shall make findings and conclusions and on the basis thereof
10 affirm, modify, or reverse such determination or
11 redetermination. The parties to any appeal shall be promptly
12 notified of the decision of the referee and shall be furnished
13 with a copy of the decision and the findings and conclusions in
14 support thereof and the decisions shall be final and shall be
15 binding upon each party unless a proceeding for judicial review
16 is initiated by the party pursuant to section 383-41; provided
17 that within the time provided for taking an appeal and prior to
18 the filing of a notice of appeal, the referee may reopen the
19 matter, upon the application of the director or any other party,
20 or upon the referee's own motion, and thereupon may take further
21 evidence or may modify or reverse the referee's decision,
22 findings, or conclusions. If the matter is reopened, the
23 referee shall render a further decision in the matter either

1 reaffirming or modifying or reversing the referee's original
2 decision, and notice shall be given thereof in the manner
3 hereinbefore provided. Upon reopening, the referee who heard
4 the original appeal shall reconsider the matter, except where
5 the referee is no longer employed as a referee or the referee
6 disqualifies oneself from reconsidering the referee's decision.

7 (c) The time to initiate judicial review under section
8 383-41 shall run from the notice of such further decision, if
9 the matter has been reopened under subsection (b).

10 (d) If a claimant or party does not receive the written
11 notice under subsection (a), a second written notice shall be
12 sent by certified mail, and the hearing on the appeal shall be
13 rescheduled accordingly.

14 (e) Upon application to, and approval by, the employment
15 security appeals referee's office, a claimant or party to an
16 appeal may elect to receive hearing notices, decisions, and
17 other appeal documents from the referee's office in electronic
18 format in lieu of notice by mail. The date of electronic
19 transmission is equivalent to the mailing date for purposes of
20 this section. Electronic notification status may be rescinded
21 at any time by the referee's office, claimant, or any party upon
22 written notification."

H.B. NO. 925

1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4
5 INTRODUCED BY: 

6 BY REQUEST

7
JAN 22 2013

APPROVED this 16 day of APR, 2013



GOVERNOR OF THE STATE OF HAWAII